

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

LUIS ENRIQUE GARIBAY,

Petitioner,

vs.

Docket No.: CV-11-13-TUC-RCC
Criminal No.: CR-05-1419-TUC-RCC

UNITED STATES OF AMERICA,

Respondent.

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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

**PETITIONER'S MOTION FOR EXTENSION OF TIME TO FILE REPLY
TO GOVERNMENT'S UPDATED RESPONSE AND TO
COUNSEL'S AFFIDAVIT FILED UNDER SEAL**

COMES NOW Petitioner Luis E. Garibay with this motion requesting an enlargement of time to file a reply to the government's updated response and to address counsel's affidavit filed under seal and in support provides as follows:

1. As per this Court's Order issued on October 6, 2011 (D.E. 17), Garibay was provided 14 days after the government filed its response to address the merits of their position. At the same time, this Court directed trial counsel Jeffrey Cheshire to provide an affidavit alleging the ineffective assistance of counsel claims raised in the original Title 28 U.S.C. § 2255 on or before November 4, 2011.

2. Counsel has filed a motion to have his affidavit filed under seal and limiting the availability of the affidavit.

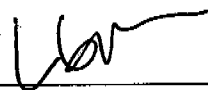
3. On November 16, 2011, the government filed an extension of time to address counsel's affidavit once the same was filed.

4. On November 17, 2011, this Court granted the government up to and including December 2, 2011 to file their supplemental response to defense counsel's affidavit.

5. Since counsel has filed his affidavit under seal which has not arrived and since the Government has requested and been granted an extension of time, Petitioner is requesting an additional 14 days after the government files their supplemental response in order to address all the matters pleadings at one time.

WHEREFORE, Petitioner respectfully prays that this Honorable Court grant an extension of 14 days to file a complete reply after the Government files their supplemental response.

Done this 19, day of November 2011

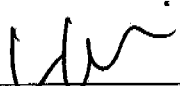


Luis E. Garibay
Reg. # 09199-041
U.S. Penitentiary
P.O. Box 019001
Atwater, CA 95301

CERTIFICATE OF SERVICE

I HEREBY DO CERTIFY, that a true and correct copy of this pleading was mailed to:
AUSA Dennis K. Burke, 405 West Congress Street, Suite # 4800, Tucson, Arizona, 85701.

Done this 19, day of November 2011



Luis E. Garibay
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